

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers and Land Surveyors (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any persons interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held **April 26, 2002** at the **Courtyard by Marriott Hotel, 530 Broadway, San Diego, California, 92101**. Written comments must be received by the Board at its office not later than 5:00 p.m. on **April 26, 2002**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716, 6799, 8710, and 8805 to implement, interpret or make specific Sections 6795, 6799, 8801, and 8805 of said code, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Amend Section 407, Title 16, California Code of Regulations.

The Board for Professional Engineers and Land Surveyors is authorized by Business and Professions Code Sections 6799 and 8805 to establish the maximum application fees for licensure as a Professional Engineer and/or Professional Land Surveyor. The Board has determined that exam application and renewal fees must be increased to continue administration of its exams and oversight of the engineer and land surveyor professions. Legislation enacted last year, Senate Bill 136 (Stats. 2001, Chapter 495), increased the maximum application fees for Professional Engineers and Land Surveyors from \$175 to \$400 and for certification as an Engineer-in-Training and for a Land Surveyor-in-Training from \$60 to \$100. SB 136 also reduced the license renewal period from every four years to every two years as authorized by Business and Professions Code sections 6795 and 8801. These changes became effective January 1, 2002.

This proposal will amend Section 407 of the California Code of Regulations which identifies the specific fee amounts to be charged within the maximum fee levels stated in the Business and Professions Code. These fees were last increased in 1991, and they are now insufficient to cover the cost of administering the Board's exams. This proposal will amend Section 407 to reflect the increase in fees for applications, license renewals and temporary licenses as follows:

(1) increase the professional engineer and professional land surveyor application fee to \$350;

(2) increase the engineer-in-training and land-surveyor-in-training application fee to \$100;

(3) decrease the licensure renewal period to every two years.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: The costs for the Board's application processing and exam administration are greater than application revenue received. An increase in the application fees will enable the Board to recover exam costs.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing business or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The proposed regulations will affect individuals applying for registration as a Professional Engineer and/or Professional Land Surveyor as well as individuals who apply for certification as an engineer-in-training and/or land-surveyor-in-training by increasing the application fees. Individuals currently holding a Professional Engineers license with the State of California will be affected by the shorter license renewal period that will effectively increase the fee for renewal.

Housing Costs: None.

EFFECT ON SMALL BUSINESS:

The proposed amendment does not place any new restrictions or requirements on individuals and/or small businesses. While the Board does not license businesses, but only individuals, some of its licensees do offer their professional services through business entities, some of which may be classified as small businesses. Because this proposed amendment will increase the application and renewal fees for Professional Engineers and Land Surveyors, small business entities who employ these individuals and/or use their services may experience a cost increase.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board for Professional Engineers and Land Surveyors at 2535 Capital Oaks Drive, Suite 300, Sacramento, CA 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to Debbie A. Thompson at the above address or at (916) 263-2269, fax (916) 263-2246 or email Debbie_Thompson@dca.ca.gov.

The backup contact person is Nancy Eissler at (916) 263-2241. The person designated to respond to questions on the substance of the regulatory proposal is Debbie A. Thompson at (916) 263-2269.

Website Address: Materials regarding this proposal can be found at www.dca.ca.gov/pels